

Message

From: Ondish, Mindy [ondish.mindy@epa.gov]
Sent: 10/16/2020 8:21:58 PM
To: Koch, Erin [Koch.Erin@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
CC: Holloman, Rachel [Holloman.Rachel@epa.gov]
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Understood. We'll aim to provide a response on Monday.

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Friday, October 16, 2020 4:20 PM
To: Ondish, Mindy <ondish.mindy@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Holloman, Rachel <Holloman.Rachel@epa.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Thanks Mindy. FYI, the moot court that DOJ is preparing for is on Wednesday so I'm sure they'd appreciate whatever answers can be provided by then. But the actual argument is Oct. 28, so if it drags past Wednesday, they still are likely to want answers for that.

From: Ondish, Mindy <ondish.mindy@epa.gov>
Sent: Friday, October 16, 2020 4:18 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Holloman, Rachel <Holloman.Rachel@epa.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Unfortunately, Emily is also out of the office today and glyphosate is on her team, so I don't have any specific info to give on her behalf.

I've copied Emily on this so I'll touch base with her next week for a follow up.

Mindy Ondish

Product Manager 23 | Herbicide Branch | Registration Division | (703)605-0723

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Friday, October 16, 2020 3:28 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Holloman, Rachel <Holloman.Rachel@epa.gov>; Ondish, Mindy <ondish.mindy@epa.gov>
Subject: Re: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Thanks - I concur with these responses.

Best,
Catherine
Associate Director
OPP Registration Division
US Environmental Protection Agency

On Oct 16, 2020, at 3:25 PM, Koch, Erin <Koch.Erin@epa.gov> wrote:

FYI. Leaving Dan Kenny off since he's busy on other matters.

From: Koch, Erin

Sent: Friday, October 16, 2020 2:39 PM

To: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>

Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; eric.sell@usdoj.gov; Aranda, Amber <aranda.amber@epa.gov>

Subject: FW: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Jon,

Ex. 5 Attorney Client (AC) / Deliberative Process

Erin S. Koch
Pesticides and Toxic Substances Law Office
Office of General Counsel
US EPA
202-564-1718

From: Cole, Joseph E. <cole.josephe@epa.gov>

Sent: Friday, October 16, 2020 1:33 PM

To: Koch, Erin <Koch.Erin@epa.gov>

Cc: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>

Subject: FW: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

FYI

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Sent: Friday, October 16, 2020 1:32 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Thank you Alex!

Ex. 5 Attorney Client (AC) / Deliberative Process

Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Friday, October 16, 2020 12:59 PM
To: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>; Sell, Eric (ENRD) <ESell@ENRD.USDOJ.GOV>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Kamila, I'll get these to the program ASAP.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Sent: Friday, October 16, 2020 10:40 AM
To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Very good. Thank you Kamila and Joe.

ED_006453B_00022823-00003

Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Sent: Friday, October 16, 2020 10:38 AM
To: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>; Fotouhi, David <Fotouhi.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>; Sell, Eric (ENRD) <ESell@ENRD.USDOJ.GOV>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Jon,

Bob Perlis and Mark Dyner are no longer with EPA, but I'm adding Joe Cole for PTSLO. We'll work with OCSPP to set up something to address your questions.

Thanks,
Kamila

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Sent: Friday, October 16, 2020 10:33 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Dyner, Mark <dyner.mark@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>
Subject: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Good morning EPA colleagues,

I hope this email finds all of you well. Matt O. may already be coordinating with you, but reminder the I will be arguing on behalf of the U.S. next week in the Hardeman v. Monsanto case in the Ninth Circuit. Recall that the U.S. submitted an amicus brief in support of Petitioner stating that FIFRA expressly preempts the plaintiff's state law failure to warn claim that Roundup should have borne a cancer warning, contrary to the EPA approved label. A copy of that brief is attached.

Ex. 5 Attorney Client (AC) / Deliberative Process

Ex. 5 Attorney Client (AC) / Deliberative Process

Thank you,
Jon

Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov